

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHEN NUCCIO,

Plaintiff,

v.

NICOLE DUVÉ, in her official capacity as District
Attorney of the County of St. Lawrence

Defendants.

Civil Action No:
7:13-CV-1556 (MAD/TWD)

DECLARATION OF ZACHARY M. MATTISON

ZACHARY M. MATTISON, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am an attorney admitted to practice law before this Court and associated with the law firm of Hancock Estabrook, LLP, attorneys for Nicole Duvé, in her official capacity as District Attorney of the County of St. Lawrence (“Defendant”).

2. I submit this Declaration in further support of Defendant’s motion for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(3), dismissing Plaintiff’s Complaint for improper venue under the “first-filed” rule, or in the alternative, for a stay of the action.

3. A copy of Memorandum of Law of Plaintiff’s Post Remand Rule 56 Motion for Summary Judgment in the matter of *Maloney v. Rice*, Case No.: 03-CV-786 (PKC/ARL) (E.D.N.Y) is attached as **EXHIBIT 1**.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: June 20, 2014

s/ Zachary M. Mattison

ZACHARY M. MATTISON